

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY) MDL NO. 1456
AVERAGE WHOLESALE PRICE)
LITIGATION) CIVIL ACTION: 01-CV-12257-PBS
)
) Judge Patti B. Saris
THIS DOCUMENT RELATES TO)
U.S. ex rel. Ven-A-Care of the Florida Keys,) Chief Magistrate Judge Marianne B. Bowler
Inc. v. Abbott Laboratories, Inc.,)
No. 06-CV-11337-PBS)

[PROPOSED] CASE MANAGEMENT ORDER NO.

1. Discovery may commence immediately.
2. On July 7, 2006, Defendants filed motions to dismiss in the transferor Court. The remaining briefs shall be filed in accordance with the following schedule:
 - Plaintiffs' Response Briefs, each of which shall be limited to 30 pages, shall be filed by September 1, 2006.
 - Defendants' Reply Briefs, each of which shall be limited to 15 pages, shall be filed by September 22, 2006.
3. Plaintiffs shall respond to Defendants' outstanding requests for production on or before August 23, 2006, and shall respond to Defendants' requests for admission on or before September 1, 2006. Defendants shall respond to Plaintiffs' outstanding requests for production on or before August 31, 2006.
4. A hearing on the motion to dismiss shall be set for _____, or such other date as the Court shall designate.
5. The Court has invited Plaintiff, the United States of America, to submit an "amicus brief" on September 15, 2006 on the meaning of AWP and has stated that Defendants will be permitted to respond to the brief.
 - Defendants' Response, which shall be limited to 20 pages, shall be filed by October 6, 2006.

6. Discovery shall proceed as follows:

- Close of Fact Discovery: June 1, 2007
- Plaintiffs to Serve Expert Reports: June 15, 2007
- Defendants to Serve Expert Reports: July 13, 2007
- Rebuttal Expert Reports: July 27, 2007
- Close of Expert Discovery: August 31, 2007

7. Fact discovery shall be subject to the following limits:

- Interrogatories: 75 per side
- Requests for production: No party will be required to respond to more than 7 sets of requests for production
- Depositions: 500 total hours per side
- Requests for admission: No limitations

8. Summary Judgment briefs shall be filed in accordance with the following

schedule:

- Motions for Summary Judgment, which shall be limited to 30 pages, shall be filed by: September 28, 2007
- Responses to Motions for Summary Judgment, which shall be limited to 30 pages, shall be filed by: October 26, 2007
- Replies to Motions for Summary Judgment, which shall be limited to 15 pages, shall be filed by: November 9, 2007

9. A hearing on the motion for summary judgment shall be set for _____, or such other date as the Court shall designate.

10. Trial shall commence on February ___, 2008 or such other date as the Court shall designate.

11. The parties shall serve each other electronically pursuant to an agreed upon service list.

SO ORDERED THIS ____ DAY of _____, 2006:

United States District Judge
Patti B.Saris